

## Article - Local Government

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§13–704.

(a) The County Commissioners of Calvert County may provide for:

(1) the enforcement and correction of violations of an erosion and sediment control ordinance for Calvert County;

(2) the collection of the costs of any enforcement and corrective actions authorized in item (1) of this subsection; and

(3) the enforcement of this section and of the Erosion and Sediment Control Ordinance by the imposition of civil penalties provided under subsection (d) of this section.

(b) (1) Calvert County shall send written notice, by certified mail or personal service, of noncompliance to a permittee and the surety if:

(i) erosion and sediment control work does not comply with a permit or approved plans; and

(ii) the county wants to enforce the security that was required for the work.

(2) The notice shall include:

(i) the nature of the corrections required; and

(ii) the time within which the corrections shall be made.

(3) The county shall post a stop–work notice on the site if:

(i) the permittee does not act on the notice within the time specified in the notice; or

(ii) the situation is of a critical environmental nature.

(4) If a stop–work notice is posted on a site, no further work is authorized on the site, except as allowed by the county engineer or the county engineer’s designee.

(5) If the permittee does not begin and diligently continue the corrections within 5 days after receiving written notice:

(i) the permittee is in default of the obligations imposed under this section; and

(ii) the county engineer may take immediate action to enforce the security.

(c) (1) If the county engineer or the county engineer's designee determines that there is imminent and substantial environmental harm because of the instability of the site, Calvert County may perform work at the site sufficient to:

(i) eliminate any public safety problem; and

(ii) provide environmental stabilization and protection.

(2) A grading permit authorizes employees of the county engineering department or the department's approved designees to enter the site to undertake work in accordance with paragraph (1) of this subsection.

(3) A charge for the cost of work performed by the county or its contractors under this section shall:

(i) be imposed on the owner of the property in the same manner as county real property taxes are imposed;

(ii) have the same priority rights as county real property taxes;

(iii) bear the same interest and penalties as county real property taxes; and

(iv) be treated as county real property taxes are treated.

(4) The property owner shall be charged the maximum legal rate of interest.

(d) (1) A violation of the Erosion and Sediment Control Ordinance of Calvert County is a civil violation.

(2) Each separate day that a violation of the Erosion and Sediment Control Ordinance remains uncorrected is a separate violation, subject to an additional citation and fine in the amount required under paragraph (3) of this subsection.

(3) The fine for a civil violation of the Erosion and Sediment Control Ordinance is:

- (i) for a first violation, \$250;
- (ii) for a second violation, \$500;
- (iii) for a third violation, \$750; and
- (iv) for a fourth or subsequent violation, \$1,000.

(e) (1) A person who performs erosion and sediment control work in Calvert County without first obtaining a permit is in violation of the Erosion and Sediment Control Ordinance.

(2) In addition to the civil penalties provided under subsection (d) of this section, if a person performs erosion and sediment control work without first obtaining a permit, the county may enforce this section and take the same actions as those provided in this section for permit violations, including:

- (i) the issuance of stop-work orders; and
- (ii) performing work on site to eliminate any public safety problem and to provide environmental stabilization and protection.

(3) A charge for the cost of work performed in accordance with paragraph (2) of this subsection shall be imposed as provided in subsection (c)(3) of this section.

(f) (1) On verification of a violation of the Erosion and Sediment Control Ordinance, an inspector from the engineering department may deliver or mail a citation to the person responsible for the violation.

(2) The citation is notification to the responsible person that the person has been assessed a civil fine that is due and payable to Calvert County, subject to the person's right to stand trial in District Court.

(g) The citation shall be on a form adopted by the County Commissioners of Calvert County and shall include:

- (1) the date of issuance of the citation;
- (2) the name and address of the person charged;

(3) the section number of the Erosion and Sediment Control Ordinance that has been violated;

(4) the nature of the violation;

(5) the time and location of the violation;

(6) the amount of the civil fine assessed;

(7) the manner, location, and time period in which the fine is to be paid;

(8) if applicable, a notice that each day of continued violation is a separate violation subject to additional citation;

(9) the name, business address, and telephone number of the county official familiar with the case; and

(10) a notice of the person's right to elect to stand trial for the violation, and instructions, including relevant time frames, necessary to exercise this right to stand trial.

(h) (1) A person who receives a citation may elect to stand trial for the offense by filing notice of intent to stand trial with Calvert County at least 5 days before the payment date specified in the citation.

(2) After receiving the notice of intention to stand trial, the county shall forward a copy of the citation and notice to the District Court.

(3) After receiving the citation, the District Court shall:

(i) schedule the case for trial; and

(ii) notify the defendant of the trial date.

(i) (1) Calvert County shall send a notice of the violation to the last known address of a person who:

(i) receives a citation for a violation;

(ii) fails to pay the fine by the date of payment specified in the citation; and

(iii) fails to file a timely notice of intention to stand trial.

(2) If, after 15 days from the date the notice is sent, the citation is not satisfied, the person is liable for an additional fine not exceeding twice the original fine.

(3) If, after 35 days from the date the notice is sent, the citation is not satisfied, the county may request adjudication of the case through the District Court.

(4) If the county requests adjudication under paragraph (3) of this subsection, the District Court shall schedule the case for trial and summon the defendant to appear.

(j) The County Commissioners of Calvert County may designate the County Attorney or the State's Attorney to represent the interests of the county and prosecute a civil violation under this section before the District Court.

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